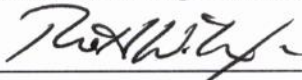


To the Honorable Council
 City of Norfolk, Virginia

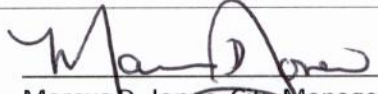
November 10, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Amend a previously granted special exception to operate an entertainment establishment with alcoholic beverages at 5957 East Virginia Beach Boulevard, Suites 17 and 18 – Taste of China**

Reviewed: 
 Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
 Marcus D. Jones, City Manager

Item Number: **R-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – entertainment establishment with alcoholic beverages
- IV. **Applicant:** Wen Wu
- V. **Description:**
 - Granting this request allows Taste of China to expand into an adjacent suite within the Military Crossing Shopping Center.
 - The applicant was previously granted a special exception for an entertainment establishment with alcoholic beverages in 2014.
 - This request will permit the applicant to operate using two new floor plans and add outdoor dining, increasing the total capacity to 602 people from current levels of 442 people.
 - Taste of China will retain the same hours of operation, but will provide additional entertainment options

	Current	Proposed Floor Plan 1	Proposed Floor Plan 2
Hours of Operation, Entertainment, and the Sale of Alcohol	10:00 a.m. until 2:00 a.m., seven days a week	same	same
Capacity	179 seats indoors 0 seats outdoors 442 total capacity	219 seats indoors 70 seats outdoors 320 total capacity	45 seats indoors 70 seats outdoors 602 total capacity
Entertainment Options	<ul style="list-style-type: none"> DJ 10 Member Live Band Karaoke Comedian Poetry Reading Cultural Dance 	No Entertainment	<ul style="list-style-type: none"> DJ 15 Member Live Band Karaoke Comedian Poetry Reading Cultural Dance Fashion Show

Staff point of contact: Chris Blough at 664-6771, christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated October 22, 2015 with attachments
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: October 22, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

[Signature]

[Signature]

Staff Report	Item No. 12	
Address	5957 E Virginia Beach Boulevard, Suites 17 & 18	
Applicant	Taste of China (Formerly 360 Asian Diner & Sports Bar)	
Request	Special Exceptions	Entertainment establishment with alcoholic beverages
Property Owner	Military Crossing Associates, LLC	
Site Characteristics	Site Area/Building Area	3.41 acres/8,923 sq. ft.
	Zoning	C-3 (Retail Center District) Military Crossing Localized Sign Overlay District
	Neighborhood	Lake Taylor and Glenrock
	Character District	Suburban
Surrounding Area	North	C-3: nTelos Wireless C-2: Upscale Men's Fashion
	East	C-2: H&R Block
	South	C-3: Costco
	West	C-3: All About Children C-3: Glenrock Masonic Hall



A. Summary of Request

- Granting this request allows Taste of China to expand into an adjacent suite within the Military Crossing Shopping Center.
- The applicant was previously granted a special exception for an entertainment establishment with alcoholic beverages in 2014.
- This request will permit the applicant to operate using two new floor plans and add outdoor dining, increasing the total capacity to 602 people from current levels of 442 people.
- Taste of China will retain the same hours of operation, but will provide additional entertainment options, including “fashion shows” and up to 15 member live bands (increased from the currently approved option of up to a 10 member live band)

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The site is located in the C-3 district, which permits the proposed use by special exception.

	Current	Proposed Floor Plan 1	Proposed Floor Plan 2
Hours of Operation, Hours for Entertainment, and Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., seven days a week	same	same
Capacity	179 seats indoors 0 seats outdoors 442 total capacity	219 seats indoors 70 seats outdoors 320 total capacity	45 seats indoors 70 seats outdoors 602 total capacity
Entertainment Options	<ul style="list-style-type: none">• DJ• 10 Member Live Band• Karaoke• Comedian• Poetry Reading• Cultural Dance	No Entertainment	<ul style="list-style-type: none">• DJ• 15 Member Live Band• Karaoke• Comedian• Poetry Reading• Cultural Dance• Fashion Show

Special exception history:

City Council Approval	Applicant	Changes
September 2014	Taste of China (360 Asian Diner & Sports Bar)	<ul style="list-style-type: none">• Revised floor plan
Pending	Taste of China	<ul style="list-style-type: none">• Increase in capacity• Revised floor plans• Add entertainment

ii. Parking

- The site is located in the Suburban Character District, which requires one parking space per 150 square feet of enclosed building area for entertainment.
- The 8,923 square-foot proposed space must provide 59 parking spaces.
- The site complies with current parking requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this restaurant use will generate 319 additional vehicle trips per day by increasing total indoor seating at this location by 66 seats above currently approved levels.

E. Impact on the Environment

- The applicant will work with the Department of City Planning and the Department of Recreation Parks and Open Space to submit a landscaping plan, showing landscaping improvements in the parking lot on the site.
 - The landscape plan must be reviewed and approved by the Department of Planning prior to the issuance of a new Certificate of Occupancy for the conversion of the new space in suite 17.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The applications were sent to the Lake Taylor and Glenrock civic leagues on September 10.

I. Communication Outreach/Notification

- Legal notice was posted on the property on September 15.
- Letters were mailed to all property owners within 300 feet of the property on October 8.
- Legal notification was placed in *The Virginian-Pilot* on October 8 and October 15.

Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 10:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 219 seats indoors, 70 seats outdoors, and the total occupant capacity, including employees, shall not exceed 602 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (d) Entertainment shall only be provided indoors and shall be limited to live bands having no more than 15 members, a Disc Jockey, Karaoke, Comedian, Poetry Reading, Fashion Show, and Cultural Dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:
 - i. Cultural dancers shall not perform nude or semi-nude, but shall perform in a state of dress more modest than semi-nude, as those terms are defined herein.

- ii. For the purposes of this ordinance, the term “nude” means to be undressed completely, and the term “semi-nude” means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of “semi-nude” dress include but are not limited to a state of dress consisting of a bikini or equivalent clothing.
 - iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.
- (e) In addition to the above, the following restrictions shall apply to all cultural dance performances:
- i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this special exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective “prop” means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such “prop” swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.
 - ii. At the discretion of the grantee of this special exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.

- (f) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk (1979), as amended, or Chapter 8, Article 5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as *Barnes v. Glen Theatre, Inc.*, 501 US 560 (1991) and *City of Erie v. Pap's A.M.*, 529 US 277 (2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.
- (g) The dance floor shall not exceed 850 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (h) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

- (l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (p) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (r) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (s) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (t) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (u) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);

- (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
-
- (w) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 452 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
 - (x) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
 - (y) A landscape plan shall be submitted to the Department of Recreation Parks and Open space for review and approval. The landscaping shall be installed and maintained in accordance with the approved plan.
 - (z) No certificate of occupancy shall be issued for the new suite until condition "y" has been satisfied.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Lake Taylor and Glenrock civic leagues
Letter of Support from the Glenrock Civic League
Letter of Conditional from the Lake Taylor Civic League

Proponents and Opponents

Proponents

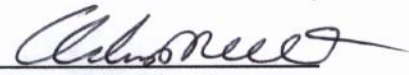
None

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT NAMED "TASTE OF CHINA" ON PROPERTY LOCATED AT 5957 EAST VIRGINIA BEACH BOULEVARD, SUITES 17 AND 18.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to 360 Group, Inc. authorizing the operation of an entertainment establishment named "Taste of China" on property located at 5957 East Virginia Beach Boulevard, Suites 17 and 18. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 471 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 115 feet, more or less, from the eastern line of Glenrock Road and extending eastwardly; property also fronts 762 feet, more or less, along the eastern line of Glenrock Road beginning 100 feet, more or less, from the southern line of East Virginia Beach Boulevard and extending southwardly; premises located in the Military Crossing Shopping Center and numbered 5957 East Virginia Beach Boulevard, Suites 17 and 18.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 219 seats indoors, 70 seats outdoors, and the total

occupant capacity, including employees, shall not exceed 602 people.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (d) Entertainment shall only be provided indoors and shall be limited to live bands having no more than 15 members, disc jockey, karaoke, comedian, poetry reading, fashion show, and Cultural Dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:
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 - ii. For the purposes of this ordinance, the term "nude" means to be undressed completely, and the term "semi-nude" means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of "semi-nude" dress include but are not limited

to a state of dress consisting of a bikini or equivalent clothing.

iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.

(e) In addition to the above, the following restrictions shall apply to all cultural dance performances:

i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this special exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective "prop" means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such "prop" swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.

ii. At the discretion of the grantee of this special exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.

(f) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk

(1979), as amended, or Chapter 8, Article 5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as *Barnes v. Glen Theatre, Inc.*, 501 US 560 (1991) and *City of Erie v. Pap's A.M.*, 529 US 277 (2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.

- (g) The dance floor shall not exceed 850 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (h) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those

portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (p) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (r) Neither the establishment nor any portion of it

shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

- (s) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (t) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (u) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;

- (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (w) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
 - (x) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
 - (y) A landscape plan shall be submitted to the Department of Recreation Parks and Open space for review and approval. The landscaping shall be installed and maintained in accordance with the approved plan.
 - (z) No certificate of occupancy shall be issued for the portion of the establishment designated as Suite #17 until condition (y), above, has been complied with.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on October 14, 2014 (Ordinance No. 45,706). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (5 pages)

Exhibit B (2 page)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date _____

Trade name of business Taste of China

Address of business 5957 E. Virginia Beach Blvd ste. 18 Norfolk, VA 23502

Name(s) of business owner(s)* Wen Qin Wu dba. 360 Group Inc.

Name(s) of property owner(s)* Military Crossing Associates, LLC

Name(s) of business manager(s)/operator(s) Wen Qin Wu, Adrian Zhang

Daytime telephone number (540) 686-1688

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>	<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday From <u>10 AM</u> To <u>2 AM</u>	Weekday From <u>10 AM</u> To <u>2 AM</u>
Friday From <u>10 AM</u> To <u>2 AM</u>	Friday From <u>10 AM</u> To <u>2 AM</u>
Saturday From <u>10 AM</u> To <u>2 AM</u>	Saturday From <u>10 AM</u> To <u>2 AM</u>
Sunday From <u>10 AM</u> To <u>2 AM</u>	Sunday From <u>10 AM</u> To <u>2 AM</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

Certain Special Events,
Charity Events.

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

Birthdays, wedding, anniversary,
baby shower, business occasions, charity events.

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
☒ Yes ☐ No

After 10 PM

Exhibit A -- Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

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Norfolk, Virginia 23510
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(Hated January 2018)

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

Option A:

As Restaurant

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 219
Number of bar seats 26
Standing room _____

b. Outdoor

Number of seats 70

c. Number of employees

5

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 320

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

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**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

Option B:
As Entertainment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 45
Number of bar seats 26
Standing room 456

b. Outdoor

Number of seats 70

c. Number of employees

5

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 602

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

15 member live band, karaoke, D.J., cultural dance,
performance dance, fashion show

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

Square footage of establishment 8,923

Square footage of dance floor 625 + 225 = 850

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

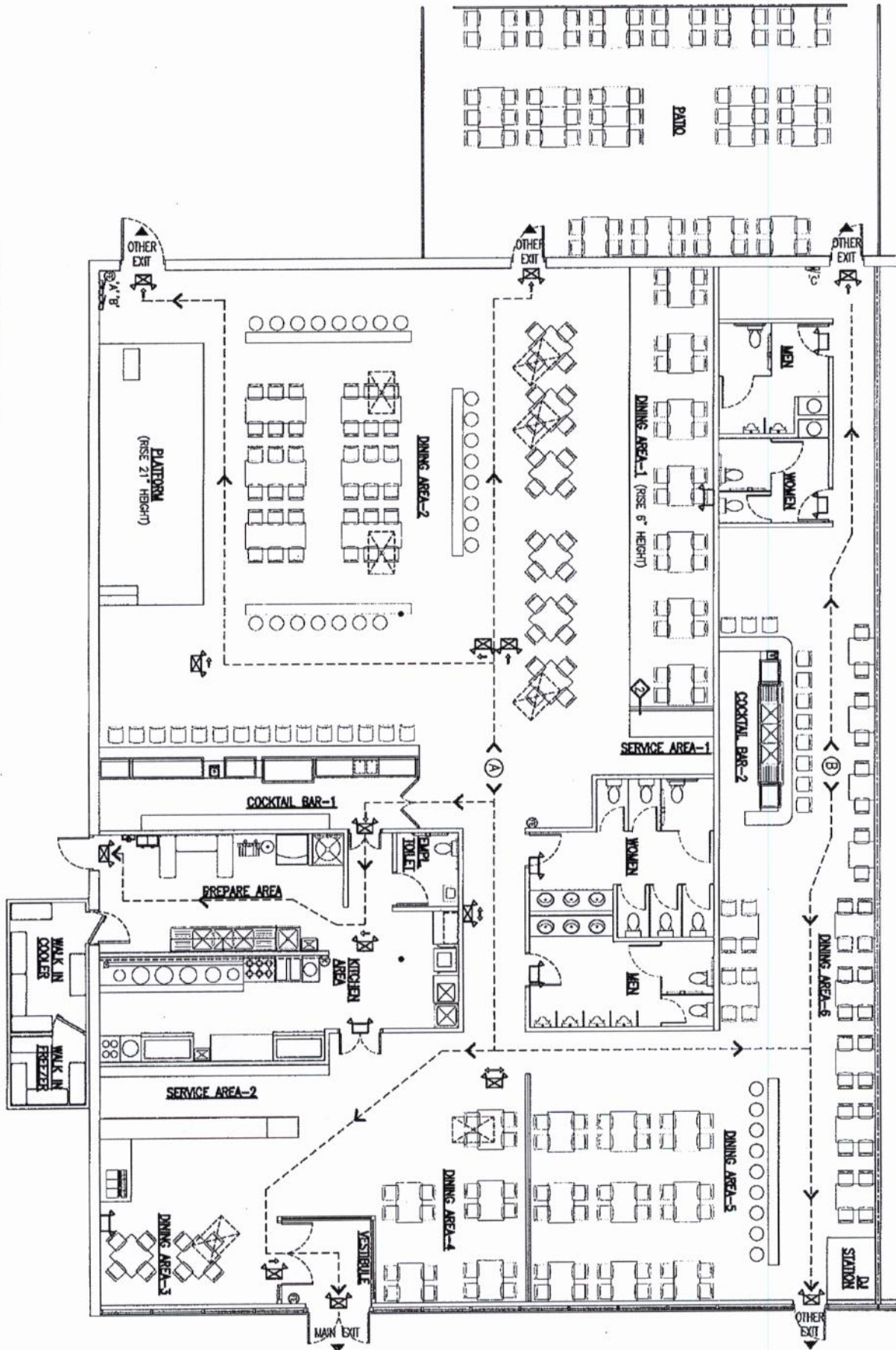
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

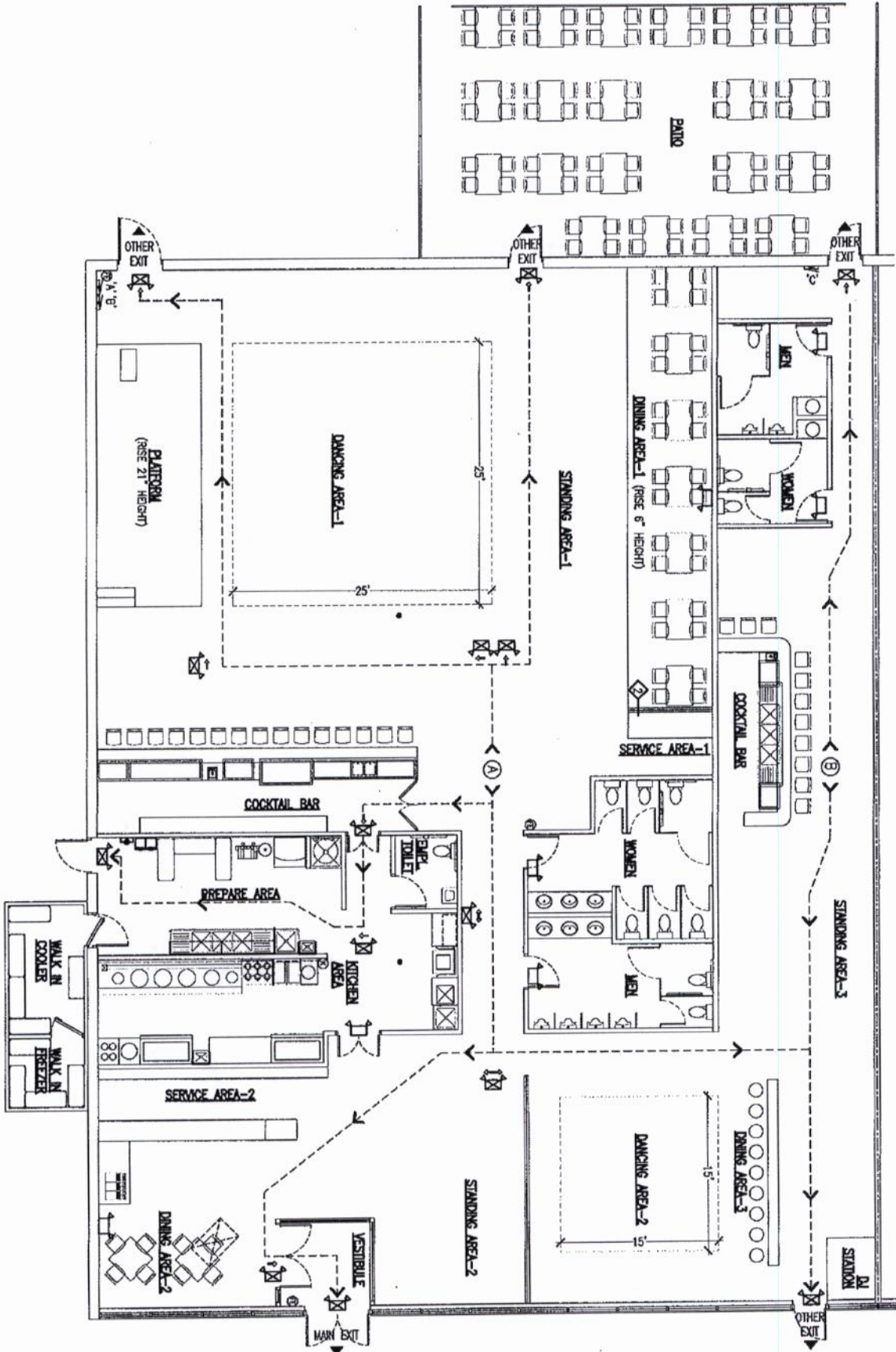
LIFE SAFETY PLAN
(AS RESTAURANT)

SCALE: 1/8"=1'-0"



LIFE SAFETY PLAN
(AS ENTERTAINMENT)

SCALE: 1/8"=1'-0"



Location Map



ELLENBOURNE STREET

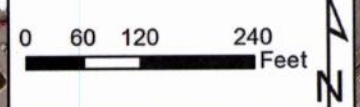
LOCKAMY LANE

E VIRGINIA BEACH BOULEVARD

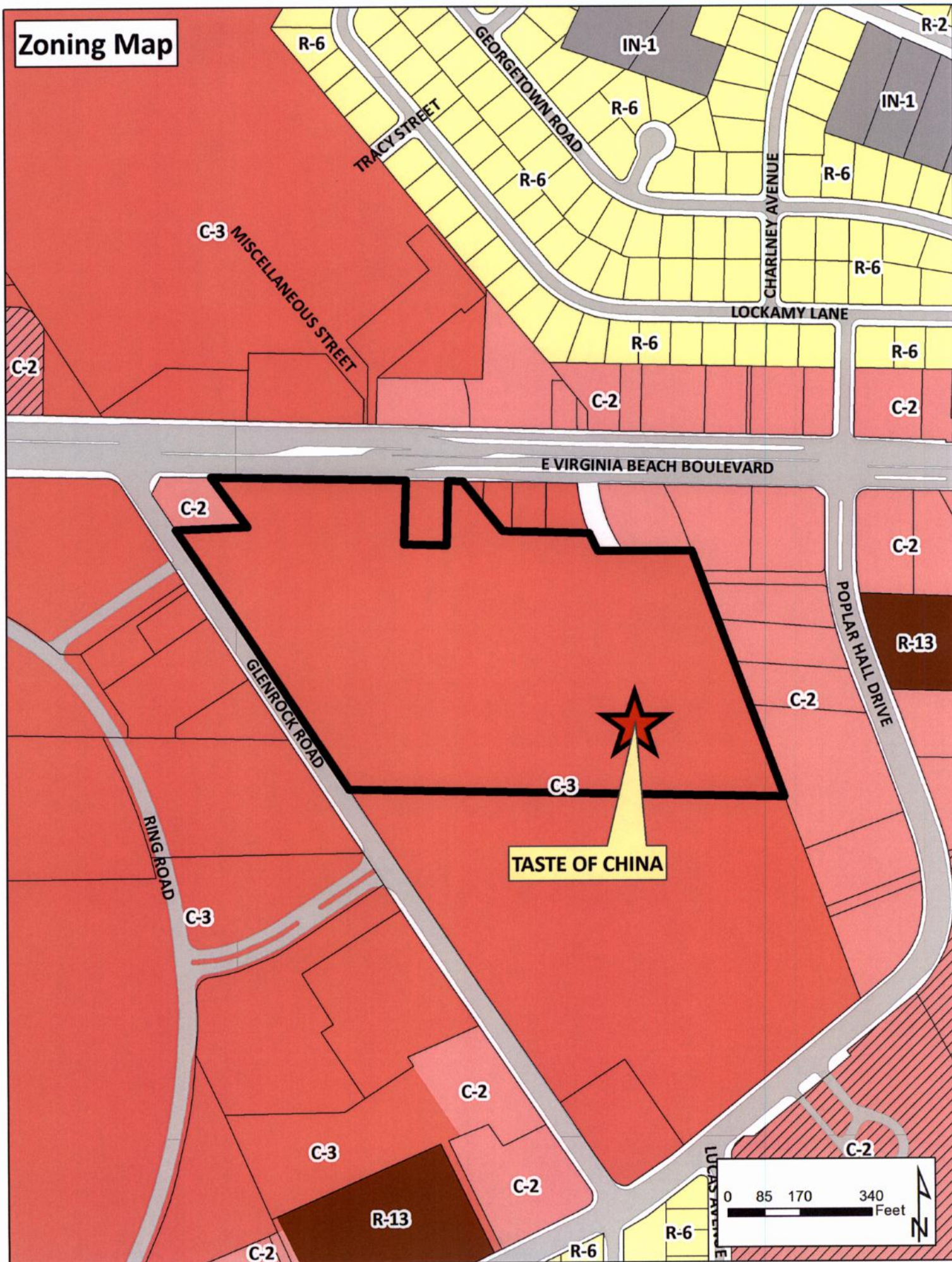
GLENROCK ROAD

RING ROAD

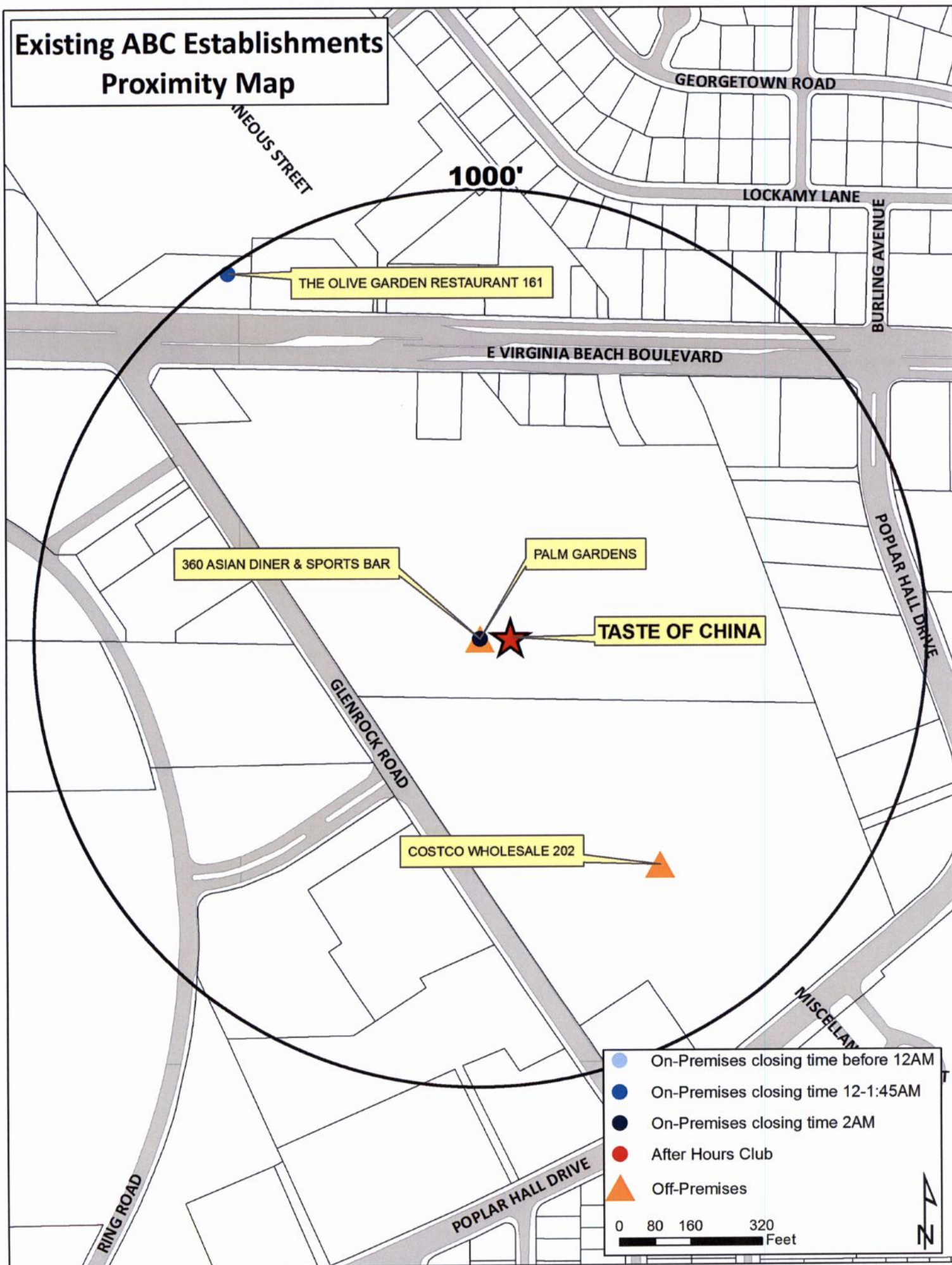
TASTE OF CHINA



Zoning Map



Existing ABC Establishments Proximity Map





APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date

8/6/15

DESCRIPTION OF PROPERTY

Address 5957 E. Virginia Beach Blvd. Ste. #18 Norfolk, VA 23502

Existing Use of Property Eating Establishment

Proposed Use Entertainment Establishment

Current Building Square Footage 6180 SF

Proposed Building Square Footage 8923 SF

Trade Name of Business (If applicable) Taste of China

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Wu (First) Wen (MI) Q

Mailing address of applicant (Street/P.O. Box): 509 Glenrock Rd

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of applicant (440) 686-1688 Fax ()

E-mail address of applicant: AdrianCQ@gmail.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Application
Entertainment Establishment
Page 2

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Wu (First) Wen (MI) Q

Mailing address of applicant (Street/P.O. Box): 509 Glenrock Rd.

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of applicant (540) 686-1688 Fax ()

E-mail address of applicant: AdrianCQ@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Military Crossing Associates LC (First) (MI)

Mailing address of property owner (Street/P.O. box): 550 Mainardneck Ave. Ste. 411

(City) Harrison (State) NY (Zip Code) 10528

Daytime telephone number of owner (914) 381-8040 email: rshasha@cutswoldgroupinc.com

CIVIC LEAGUE INFORMATION

Civic League contact: Hicks David, Monaco Dee, Rawls Marvin

Date(s) contacted: Aug. 12

Ward/Super Ward information: _____

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Outside Virginia: 804)

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

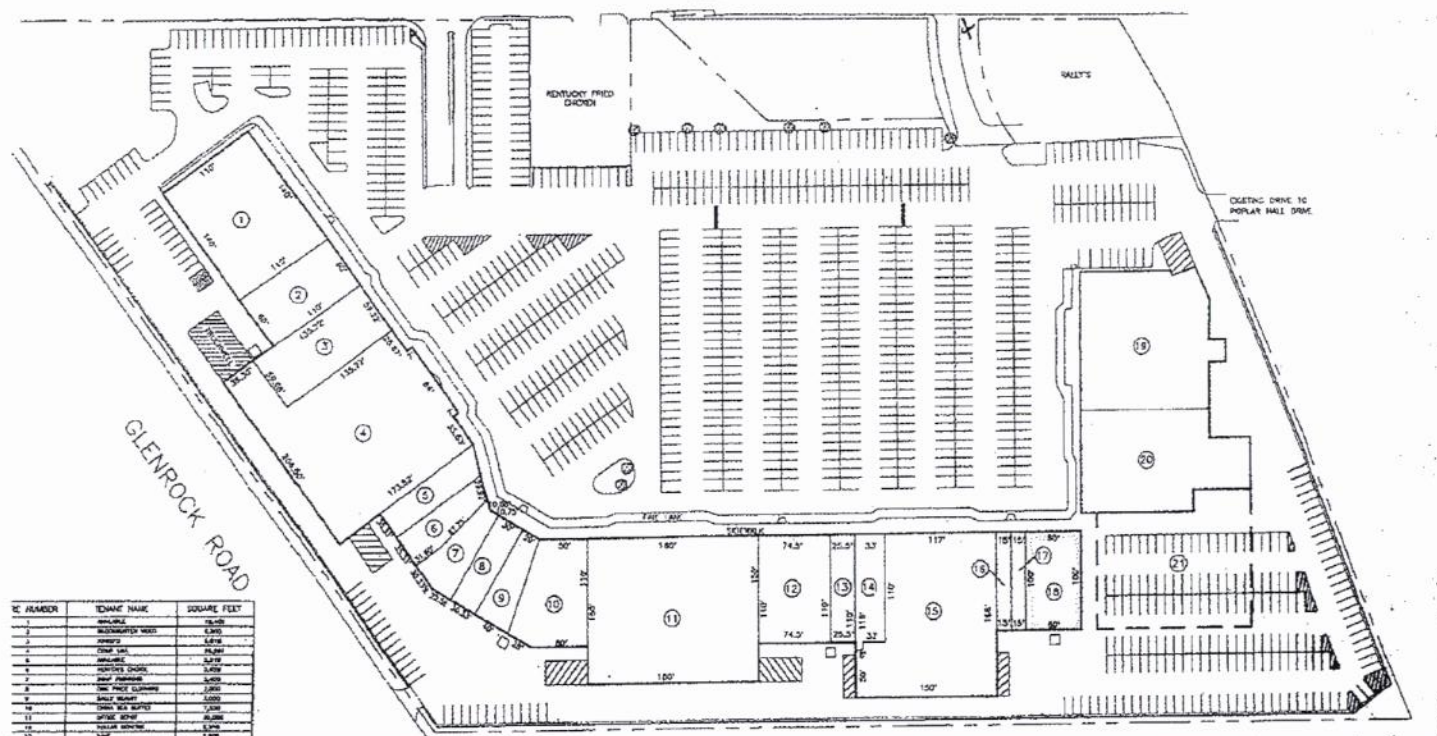
Print name: Robert Y. SHAJRA Sign: [Signature] 8/6/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Wen Q. Wu Sign: Wen Q. Wu 8/7/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____
(Authorized Agent Signature) (Date)

THE COTSWOLD GROUP
229 BEECHMONT DRIVE
NEW ROCHELLE, NY 10804



IC NUMBER	IC NAME	SQUARE FEET
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100	WALLPAPER	15,000



Blough, Christopher

From: Straley, Matthew
Sent: Thursday, September 10, 2015 11:29 AM
To: wewatchglenrock@live.com; laketaylorcivicleague@gmail.com
Cc: Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Blough, Christopher
Subject: new Planning Commission application - 5957 E Virginia Beach Boulevard, Suite 17 & 18
Attachments: TasteofChina.pdf

Mr. Hicks and Mr. Speight,

Attached please find the application to amend a previously granted special exception to expand an existing entertainment establishment with alcoholic beverages at 5957 E. Virginia Beach Boulevard, Suites 17 & 18.

The purpose of this request is to allow for the expansion of an existing restaurant into the adjacent commercial suite.

The item is tentatively scheduled for the October 22, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Blough, Christopher

Sent: Wednesday, October 14, 2015 3:56 PM
Subject: FW: Taste of China/360 Sport Bar & Grill

Date: August 14 2015
RE: Taste of China/360 Asian Sports Bar & Grill

Honorable Council Members,

The Glenrock community presents, herewith, further reasoning on Taste of China/360 Sports Bar & Grill restaurant expansion as heard by the Planning Commission. Glenrock is within close proximity to this business. Having thorough knowledge of its operations, and having met personally with the owner Mr. Adrian Zhang, we feel our opinion should be a matter of public record. The owner seeks to expand business operations into the adjacent vacant unit. As we understand it, this effort is to expand the main-dining facility and we support this expansion. Having talked with Norfolk Police Department to review all calls for services since January 2015, as it pertains to Military Crossing Shopping Center, none raise concern for our community. The owner complies with all laws and codes set forth to govern business activities; therefore, council should grant his request. The Glenrock community, which is nearest to this business, has not suffered any negative impacts. Glenrock has one of the best crime statistics within the city of Norfolk. If Taste of China/360 Sports Bar & Grill were to become a public concern which negatively affects our quality of life, it will be known and communicated immediately.

Thank you for your consideration and honorable service to our community and the citizens of Norfolk.

Sincerely

David Hicks
President
757.739.4949
Glenrock Neighborhood Association
P.O Box 12713
Norfolk, Virginia 23541
Email: Wewatchglenrock@live.com
See Attach...
Cc.
Glenrock Residents
Norfolk City Planning Council
Mr. Adrian Zhang

Blough, Christopher

From: Lake Taylor <laketaylorcivicleague@gmail.com>
Sent: Thursday, September 24, 2015 10:58 AM
To: Straley, Matthew
Cc: wewatchglenrock@live.com; Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Blough, Christopher
Subject: Re: new Planning Commission application - 5957 E Virginia Beach Boulevard, Suite 17 & 18

Mr Straley,

The Lake Taylor Civic League was in favor of the option A plan and opposed to the option B plan.

Tony Speight, President

On Thu, Sep 10, 2015 at 11:29 AM, Straley, Matthew <Matthew.Straley@norfolk.gov> wrote:

Mr. Hicks and Mr. Speight,

Attached please find the application to amend a previously granted special exception to expand an existing entertainment establishment with alcoholic beverages at 5957 E. Virginia Beach Boulevard, Suites 17 & 18.

The purpose of this request is to allow for the expansion of an existing restaurant into the adjacent commercial suite.

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Thank you.

Matthew Straley
GIS Technician II